

On May 23, 1938, Rockwood & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and the product was released under bond conditioned that the bad be segregated from the good and denatured or destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29103. Misbranding of mincemeat. U. S. v. 121 Jars of Mincemeat. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. & D. No. 40957. Samples Nos. 40112-C, 40113-C, 40114-C, 45212-C.)

This product was short of the declared weight.

On December 6, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 121 jars of mincemeat at Reno, Nev.; alleging that the article had been shipped in interstate commerce on or about October 15, 1937, from San Francisco, Calif., by Oests Food Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oest's California Mince Meat Oest Foods San Francisco California."

It was alleged to be misbranded in that the statement on the label, "Net Contents thirty-five ounces," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 7, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29104. Adulteration of butter and frozen eggs. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$200 on first count. Probation for 1 year on remaining counts.** (F. & D. No. 40807. Sample Nos. 27220-C, 37721-C, 34068-C, 34069-C, 43145-C, 43146-C, 43152-C, 43153-C, 43155-C, 43156-C, 43157-C, 49503-C, 71043-C.)

The butter contained less than 80 percent of milk fat, and the eggs were decomposed.

On April 30, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Hugh A. Pruitt, trading as Pruitt Produce Co., at Ardmore, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on various dates in the period from on or about May 23, 1937, to on or about November 1, 1937, from the State of Oklahoma into the States of Illinois, Missouri, New York, and Pennsylvania of quantities of butter and eggs which were adulterated.

The butter was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

The eggs were alleged to be adulterated in that they consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On June 3, 1938, a plea of guilty having been entered by the defendant, the court imposed a fine of \$200 on the first count of the information, and put him on probation for a period of 1 year on the remaining count.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29105. Adulteration and misbranding of Nut Krunchets. U. S. v. 14 Boxes and 15 Boxes of Nut Krunchets. Default decrees of condemnation and destruction.** (F. & D. Nos. 42263, 42269. Sample Nos. 10573-D, 13000-D.)

This product was labeled to indicate that it was almonds, whereas it was peanuts; and a portion was insect-infested.

On April 28, 1938, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 14 boxes of Nut Krunchets at Lancaster, Pa., and 15 boxes of the same product at Bloomfield, N. J.; alleging that the article had been shipped in interstate commerce on or about March 11, 1938, from New York, N. Y., by Gro-Best Products Co., Inc.; and charging adulteration and misbranding of a portion and misbranding of the remainder in violation of the Food and Drugs Act. The article was labeled in part: "Garden of Allah Almond